



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul C. Leung et al. Examiner: J. Choules  
Serial No.: 09/286,678 Group Art Unit: 2177  
Filed: April 2, 1999 Docket: ST9-95-032R  
Title: PLATFORM-TRANSPARENT REGISTRATION AND BUILD OF STORED  
PROCEDURES AND USER-DEFINED FUNCTIONS

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on May 9, 2002.

By: [Signature]  
Name: George H. Gates

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

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**JUN 03 2002**

**Technology Center 2100**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants submit this Petition in response to a "Notice of Abandonment" dated April 26, 2002, which indicated that the application was abandoned due to Applicants' alleged failure to timely file a proper reply to the Office letter mailed on September 17, 2001. Attached hereto as Exhibit A is a copy of the Notice of Abandonment.

Applicants' attorney had a telephone discussion with Examiner Choules on April 1, 2002 to inquire as to the status of the application. Examiner Choules stated that he had never received the Applicants' Amendment under 37 C.F.R. §1.116 submitted by facsimile on September 27, 2001, and that the Office's file wrapper did not include the Applicants' Amendment, as the Amendment was apparently lost by the Office. Examiner Choules asked that the Applicants' Amendment, along with the facsimile confirmation sheet, be faxed to him directly for his review.

On April 2, 2002, Applicants' attorney faxed copies of the Applicants' Amendment under 37 C.F.R. §1.116 submitted by facsimile on September 27, 2001, including the facsimile confirmation sheet showing that the Office had, in fact, received Applicants' Amendment. Attached hereto as Exhibit B is a copy of the Applicants' Amendment under 37 C.F.R. §1.116 submitted by facsimile on September 27, 2001, including the facsimile confirmation sheet showing that the Office received Applicants' Amendment on that date.

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Applicants' attorney had another telephone discussion with Examiner Choules on April 25, 2002 to further discuss the status of the application. Examiner Choules explained that a Notice of Abandonment would be issued, and that Applicants' attorney should submit a petition to withdraw the holding of abandonment.

Consequently, this Petition is being submitted in response to the Notice of Abandonment. This Petition is accompanied by a Verified Statement by George H. Gates attesting to the fact that the Applicants' Amendment under 37 C.F.R. §1.116 was submitted to the Office on September 27, 2001. Consequently, Applicants hereby petition for withdrawal of the holding of abandonment of this application.

No fee is deemed necessary in connection with the filing of this Petition. However, should the Office determine that a fee is required, the Office is authorized to charge any such fee to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application.

Finally, during the telephone discussion on April 25, 2002, Examiner Choules also stated that Applicants' Amendment under 37 C.F.R. §1.116 submitted to the Office on September 27, 2001 was non-responsive, in that it was incorrectly formatted. Specifically, Examiner Choules stated that the amendments to claim 8 were incorrect, in that they did not show all changes from the original claims. This is further expounded upon in the Notice of Abandonment.

Applicants' attorney has decided not to make the amendment to claim 8, and thus submits herewith a Second Amendment under 37 C.F.R. §1.116 that complies with 37 C.F.R. §§ 1.121 and 1.173, but which only amends claim 18.

Respectfully submitted,


Paul C. Leung et al.

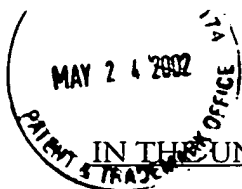
By their attorneys,

GATES & COOPER LLP

6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 642-4146

Dated: May 9, 2002

By:   
Name: George H. Gates  
Reg. No.: 33,500



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By: 

Name: George H. Gates

VERIFIED STATEMENT BY GEORGE H. GATES IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, George H. Gates, hereby declare as follows:

1. I am a registered patent attorney, as well as a partner in the law firm of Gates & Cooper LLP. Gates & Cooper LLP represents the assignee in the above-identified patent application.

2. I have been involved in the prosecution of the above-identified patent application from the date of its filing, including prior to the date on which the application became abandoned due to Applicants' alleged failure to timely file a proper reply to the Office letter mailed on September 17, 2001. Attached hereto as Exhibit A is a copy of the Notice of Abandonment.

3. I submitted an Amendment under 37 C.F.R. §1.116 by facsimile on September 27, 2001. Attached hereto as Exhibit B is a copy of the Applicants' Amendment under 37 C.F.R. §1.116 submitted by facsimile on September 27, 2001, including the facsimile confirmation sheet showing that the Office received Applicants' Amendment on that date.

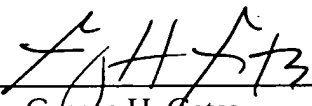
4. I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Dated: May 9, 2002

By:   
George H. Gates  
Reg. No. 33,500



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,678	04/02/1999	PAUL CHUN-HONG LEUNG	ST9-95-032R	5284

22462 7590 04/26/2002

GATES & COOPER LLP  
HOWARD HUGHES CENTER  
5701 CENTER DRIVE WEST, SUITE 1050  
LOS ANGELES, CA 90045

EXAMINER

CHOULES, JACK M

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 04/26/2002

6/13/02 Substantive Patent Review  
10/13/02 Renewal Completed

Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 29 2002

Gates & Cooper LLP

**Notice of Abandonment**



Application No.

09/286,678

Examiner

Jack M Choules

Applicant(s)

LEUNG ET AL.

Art Unit

2177

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- JUN 13 2002

s application is abandoned in view of:

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☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 September 2001.

a) ☒ A reply was received on 02 April 2002 (with a Certificate of Mailing or Transmission dated 27 September 2001), which is after the expiration of the period for reply (including a total extension of time of 0 month(s)) which expired on 17 October 2001.

b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

c) ☒ A reply was received on 02 April 2002 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

d) ☐ No reply has been received.

☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.

c) ☐ The issue fee and publication fee, if applicable, has not been received.

☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

b) ☐ No corrected drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☒ The reason(s) below:

Non-responsive amendment in a reissue application after a notice of non-responsive amendment for the same reason. Not in accordance with 37 CFR 1.121 and 1.173, as brackets and underlining have not been included for all changes from original claims.

Jack M Choules  
Primary Examiner  
Art Unit: 2177

tions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to mize any negative effects on patent term.

Patent and Trademark Office

1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 16

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By: George H. Gates  
Name: George H. Gates

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Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- ☒ Petition To Withdraw Holding Of Abandonment, Verified Statement by George H. Gates in Support of Petition To Withdraw Holding of Abandonment, Exhibit A (Notice of Abandonment) and Exhibit B (Applicants' Amendment under 37 CFR 1.116 submitted by facsimile on Sept. 27, 2001).
- ☒ Second Amendment Under 37 C.F.R §1.116.
- ☒ Return postcard.

## CLAIMS PRESENT

Claims Remaining:	Highest Number Previously Paid For:	Number Extra	Rate	Fee
Total Claims				
69	69	0	x \$18.00	= \$0.00
Independent Claims				
14	14	0	x \$84.00	= \$0.00
MULTIPLE DEPENDENT CLAIM FEE				\$0.00
TOTAL FILING FEE				\$0.00

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all requisite fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application. A duplicate of this paper is enclosed.

**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: George H. Gates  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/io

(PTO TRANSMITTAL - GENERAL)